



Receipt

#164

Dkt. 48940-A-PCT-US/JPW/TVC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

Applicant : John Loike and Samuel C. Silverstein  
Serial No.: 09/177,843  
Filed : October 22, 1998  
For : A METHOD OF TREATING INFECTION OF SUTURES AND PROSTHETIC DEVICES

MAR 8 1999

RECEIVED  
SERVICE

1185 Avenue of the Americas  
New York, New York 10036  
February 4, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

**COMMUNICATION TO CORRECT ERROR IN FILING RECEIPT**

This Communication is filed to request the issuance of a corrected Filing Receipt in connection with the above-identified application. Upon receipt of the official Filing Receipt for the subject application, a copy of which is attached hereto as **Exhibit A**, applicants' undersigned attorney noticed an error.

Applicants hereby respectfully request that a corrected Filing Receipt be issued. Specifically, the title listed on the Filing Receipt is not as set forth in the preliminary amendment.

A corrected Filing Receipt should read as follows:

**--A METHOD OF TREATING INFECTION OF SUTURES AND PROSTHETIC DEVICES--**

Furthermore, the subject application is incorrectly listed as a continuation-in-part of U.S. Serial No. 08/635,572, filed April 22, 1996. The subject application should be listed as a continuation of PCT International Application No. PCT/US97/06577, filed April 22, 1997.

A corrected Filing Receipt should read as follows:

**--THIS APPLN IS A CON OF PCT/US97/06577 04/22/97  
WHICH IS A CIP OF 08/635,572 04/22/96 PAT 5,843,436--**

John Loike and Samuel C. Silverstein  
U.S. Serial No.: 09/177,843  
Filed: October 22, 1998  
Page 2

Applicants contend that the correct data may be found on page one of the Preliminary Amendment filed October 22, 1998. A copy of page one of the Preliminary Amendment is attached hereto as **Exhibit B**. Accordingly, applicants request that a corrected Filing Receipt be issued.

Applicant respectfully requests that the applicants' addresses, which does not appear on the Filing Receipt, should also appear on the corrected filing receipt as follows:

**--JOHN LOIKE, JAMAICA ESTATES, NEW YORK; SAMUEL C. SILVERSTEIN,  
NEW YORK, NEW YORK.--**

Applicants contend that the applicants addresses are found in the Declaration and Power of Attorney filed January 13, 1999. A copy of the Declaration and Power of Attorney is attached hereto as **Exhibit C**.

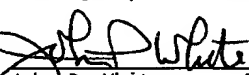
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

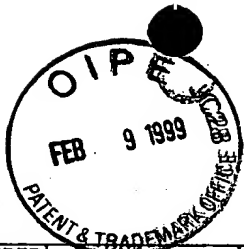
  
John P. White  
Reg. No. 28,678

Date

2/4/99

# **EXHIBIT A**

FILING RECEIPT

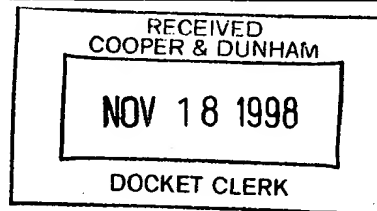


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Jpw  
9

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/177,843	10/22/98	1614	\$1,620.00	48940-A-PCT-US	19	54	4

COOPER & DUNHAM  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JOHN LOIKE; SAMUEL C. SILVERSTEIN.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 08/635,572 04/22/96 PAT 5,843,436  
AND A CON OF PCT/US97/06577 04/22/97

FOREIGN FILING LICENSE GRANTED 11/13/98

TITLE

A ~~METHOD OF PREVENTING AND TREATING BACTERIAL INFECTION OF~~  
~~SUTURES AND PROSTHETIC DEVICES, AND PROMOTING INGRESS OF~~  
~~LEUKOCYTES INTO TUMOR FOCI~~

PRELIMINARY CLASS: 514

## **EXHIBIT B**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Loike and Samuel Silverstein

Serial No. : Not Yet Known

Int'nat'l.

Filing Date: 22 April 1997

For : A METHOD OF PREVENTING AND TREATING BACTERIAL  
INFECTION OF SUTURES AND PROSTHETIC DEVICES, AND  
PROMOTING INGRESS OF LEUKOCYTES INTO TUMOR FOCI

1185 Avenue of the Americas  
New York, New York 10036  
October 22, 1998

Assistant Commissioner of Patents  
Washington, D.C. 20231  
Box Patent Application

Sir:

PRELIMINARY AMENDMENT TO THE ACCOMPANYING CONTINUATION  
APPLICATION FILED UNDER 37 C.F.R. §1.53

Applicant requests that the following amendments be made in the  
above-identified application:

In the Title:

On pages 1 and 68 please delete the present title and insert the  
following new title:

--A METHOD OF TREATING INFECTION OF SUTURES AND PROSTHETIC  
DEVICES--

In the Specification:

On page 1 delete lines 7-9 and insert the following:

--This application is a continuation of PCT International  
Application No. PCT/US97/06577, filed April 22, 1997, which  
is a continuation-in-part application of U.S. Serial No.  
08/635,572, filed April 22, 1996, the contents of which are  
hereby incorporated by reference into the present  
application.--

# **EXHIBIT C**

## A circular stamp from the Office of the Patent and Trademark Office. The text "O.I.P.E." is at the top, "POWER OF ATTORNEY" is on the right, "FEB 9 1999" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom.

My residence, post office address, and citizenship are as stated below next to my name.

A METHOD OF PREVENTING AND TREATING BACTERIAL INFECTION OF SUTURES AND PROSTHETIC DEVICES, AND PROMOTING INGRESS OF LEUKOCYTES INTO TUMOR FOCI

— is attached hereto.

X was filed on October 22, 1998 as

Application Serial No. 09/177,843

and was amended October 22, 1998 (if applicable)

*I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.*

**Prior Foreign Application(s)**

[illegible]



I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
PCT/US97/06577	22 April 1997	Pending
08/635,572	22 April 1996	Pending

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); George M. MacDonald (Reg. No. 39,284); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); and Pedro C. Fernandez (Reg. No. 41,741)

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White \_\_\_\_\_ Reg. No. 28,678

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor John Loike

Inventor's signature John Loike

Citizenship United States of America Date of signature 12-22-98

Residence 179-20 Tudor Road, Jamaica Estates, New York 11432, U.S.A.

Post Office Address Same as residence address

Full name of joint inventor (if any) Samuel C. Silverstein

Inventor's signature Samuel C. Silverstein

Citizenship United States of America Date of signature 12/22/98

Residence 110 Riverside Drive #9B, New York, New York 10024, U.S.A.

Post Office Address Same as residence address

Full name of joint inventor (if any) \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Citizenship \_\_\_\_\_ Date of signature \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_